

**CASE NUMBER: 15SN0601**

**APPLICANT: Maria Louisa Herlong and Danny Neale Herlong**



**STAFF'S ANALYSIS  
AND  
RECOMMENDATION**

**Planning Commission (CPC)**

**Public Hearing Date:**

JANUARY 20, 2015

**CPC Time Remaining:**

100 DAYS

**Applicant's Agent:**

DANNY HERLONG

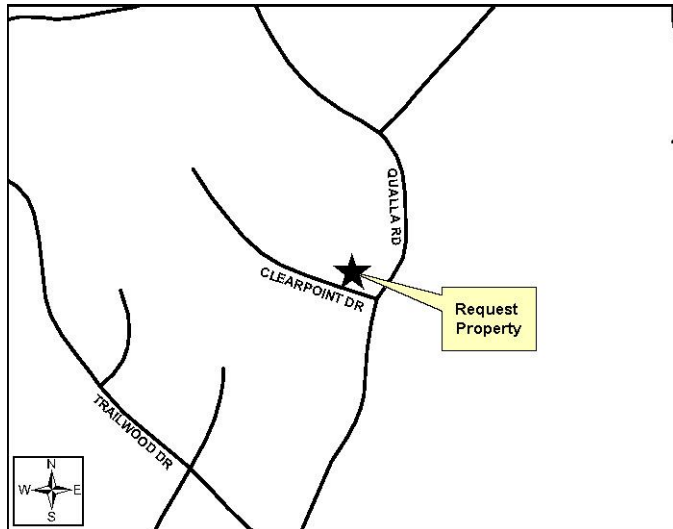
(804-218-3082)

**Planning Department Case Manager:**

ROBERT CLAY (804-768-7122)

**CHESTERFIELD COUNTY, VIRGINIA**

Magisterial District: **MATOACA**



**APPLICANT'S REQUEST**

Conditional use to permit a business (tree service) incidental to a dwelling in an Agricultural (A) District

A tree service business with associated equipment and firewood storage is currently operated from the property without the requisite zoning. Approval of this conditional use would bring the use into compliance with the Ordinance.

(NOTES: A. Conditions may be imposed or the property owner may proffer conditions.

B. Proffered conditions are located in Attachment 1.)

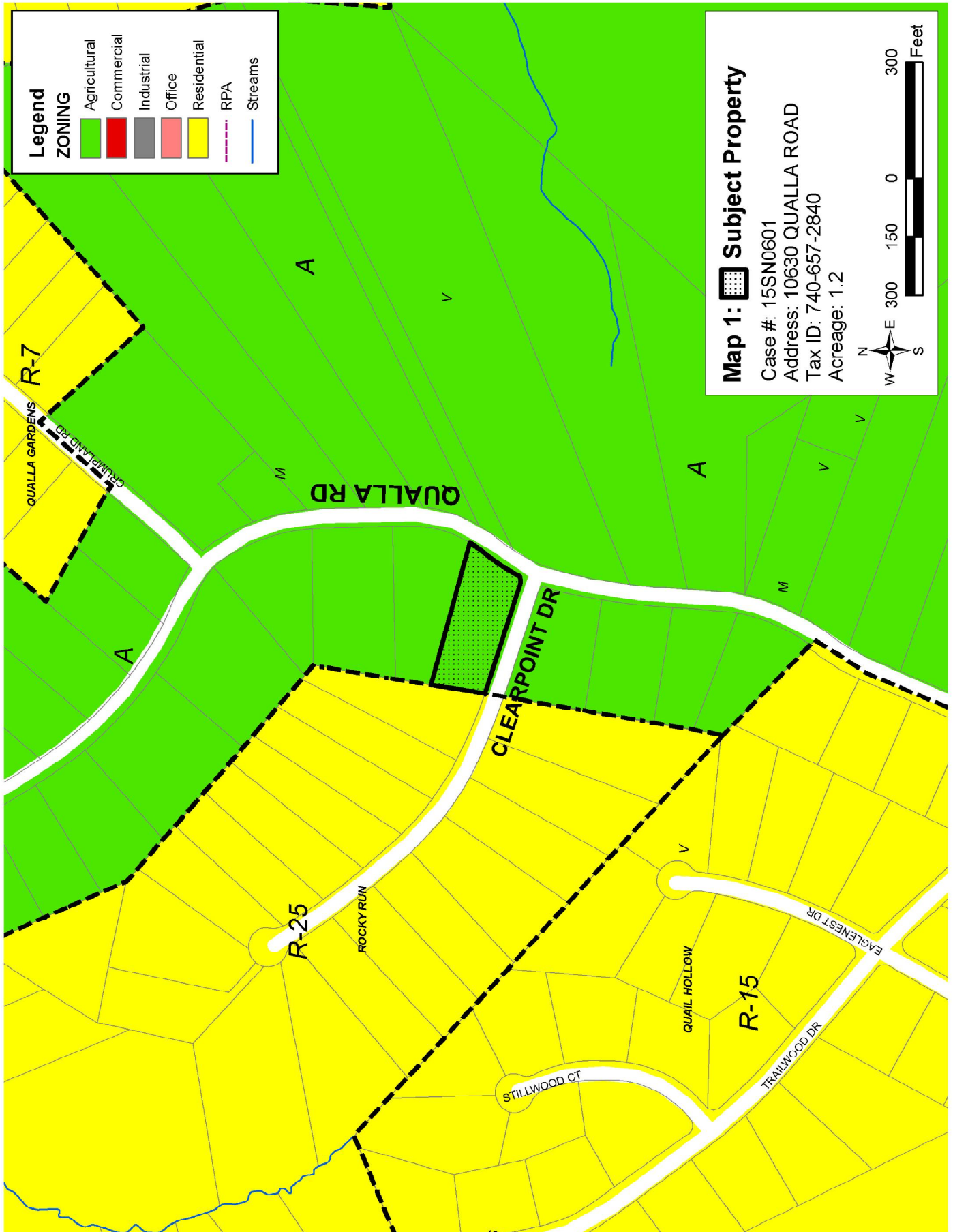
**RECOMMENDATION**

STAFF

RECOMMEND DENIAL

- Does not comply with Comprehensive Plan
- Commercial encroachment at entrance to a neighborhood

SUMMARY OF IDENTIFIED ISSUES	
Department	Issue
PLANNING	<ul style="list-style-type: none"> <li>• <u>Plan</u> suggests residential and agricultural uses appropriate for this area</li> <li>• Use represents commercial encroachment into a residential area</li> </ul>
FIRE	-
CDOT	-
VDOT	-
UTILITIES	-
ENVIRONMENTAL ENGINEERING	-

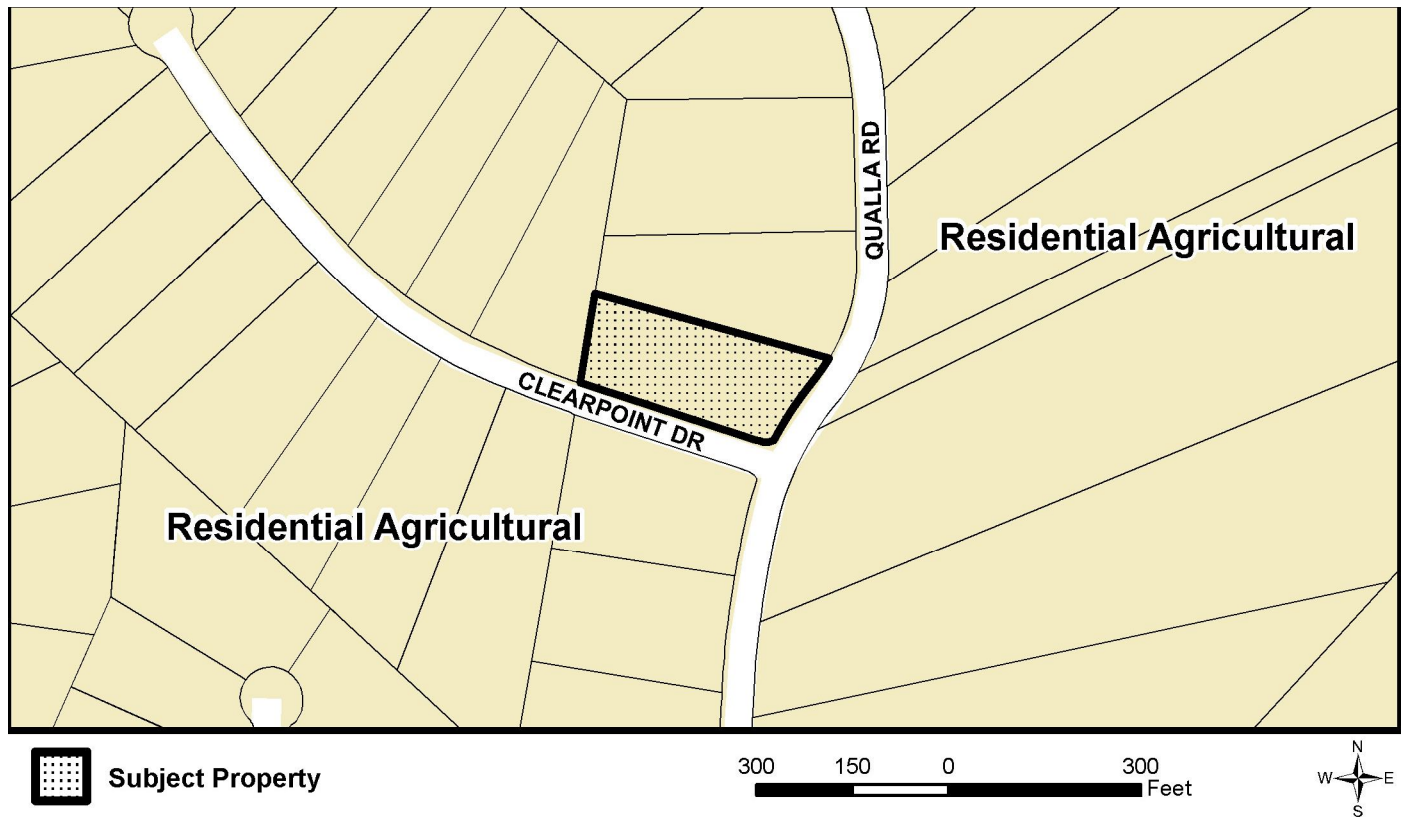




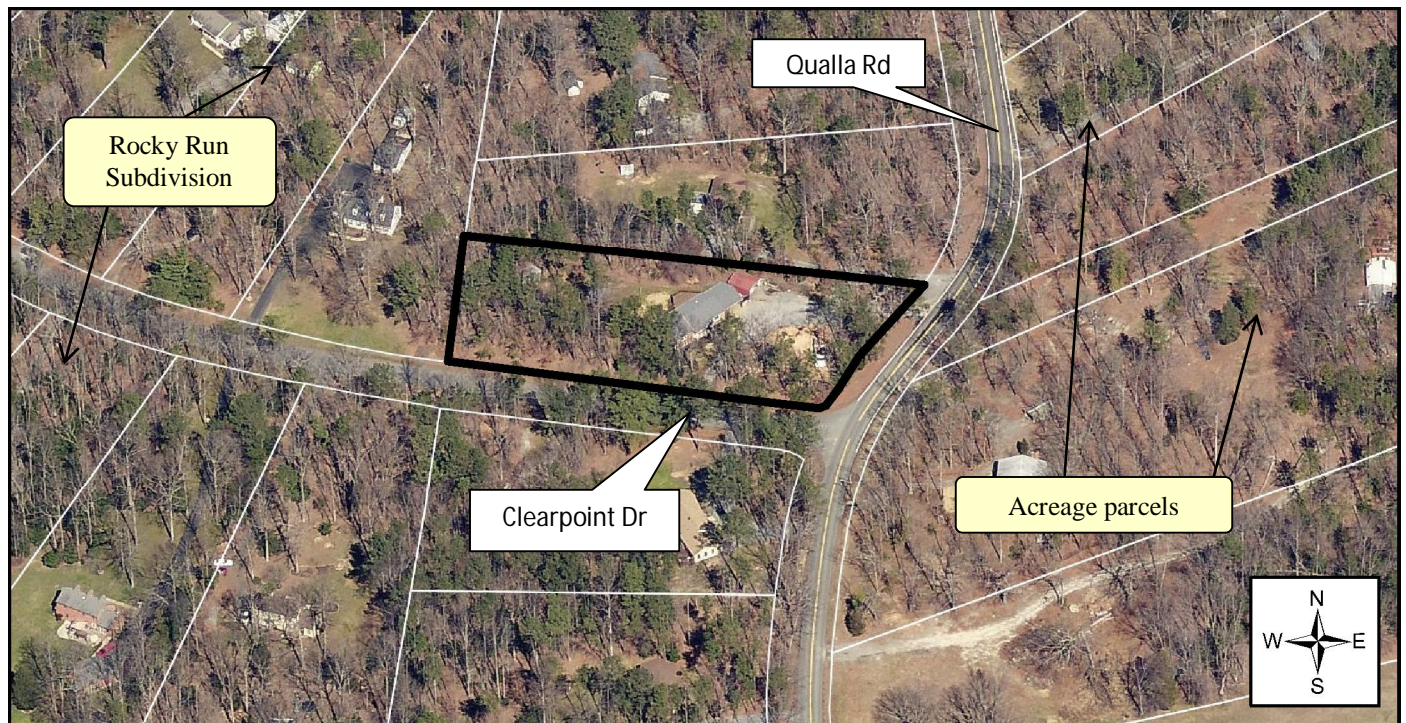
## Map 2: Comprehensive Plan

Classification: **RESIDENTIAL AGRICULTURAL**

The designation suggests the property is appropriate for a combination of agricultural and residential uses, with residential development not exceeding .5 dwellings per acre and located on 1 to 5 acre lots.



## Map 3: Surrounding Land Uses & Development



## PLANNING

Staff Contact: Robert Clay (804-768-7122) clayr@chesterfield.gov

### PROPOSAL

The applicant, who is a tree service contractor, has been operating the business from his home at this location for almost twenty (20) years without the required zoning.

In August, 2014, the Planning Department received a complaint relative to the operation of a business from a residence. Upon investigation, staff observed a large pile of firewood around the property line; company vehicles and employees; and stump grinding equipment. It was determined that a tree service business was being operated from the residence, requiring a conditional use.

The following provides an overview of conditions offered by the applicant to mitigate the impact of the use on area properties:

General Overview	
Requirements	Details
Ownership	Limited to the applicants only <i>Proffered Condition 1</i>
Use	Limited to a tree service business incidental to a dwelling <i>Proffered Condition 2</i>
Time Limitation	Limited to 10 years <i>Proffered Condition 3</i>
Equipment/Material Storage	<ul style="list-style-type: none"><li>• Two (2) Service trucks</li><li>• One (1) Trailer</li><li>• One (1) Stump grinder</li><li>• One (1) Log splitter.</li><li>• Firewood</li></ul> <i>Proffered Condition 4</i>
Location of Use	Confined to rear of dwelling <i>Proffered Condition 5</i>
Buffer	Minimum of twenty (20) feet adjacent to property lines to rear of dwelling <i>Proffered Condition 6</i>
Employees and Clients	<ul style="list-style-type: none"><li>• No more than 4 employees</li><li>• No clients</li></ul> <i>Proffered Condition 7</i>
Signage	None permitted <i>Proffered Condition 8</i>
Hours of Operation	Monday through Saturday from 7 a.m. to 5 p.m. <i>Proffered Condition 9</i>

## PUBLIC FACILITIES

### FIRE SERVICE

Staff Contact: Greg Smith (804-706-2012) smithgd@chesterfield.gov

### Nearby Fire and Emergency Medical Service (EMS) Facilities

Fire Station	The Winterpock Fire Station, Company Number 19
EMS Facility	The Winterpock Fire Station, Company Number 19

This request will have minimal impact on Fire and EMS.

### COUNTY DEPARTMENT OF TRANSPORTATION

Staff Contact: Jim Banks (804-748-1037) banksj@chesterfield.gov

Staff Contact: Steve Adams (804-751-4461) adamss@chesterfield.gov

The Comprehensive Plan, which includes the Thoroughfare Plan, identifies county-wide transportation needs that are expected to mitigate traffic impacts of future growth. The anticipated traffic impact of the proposal has been evaluated and it is anticipated to be minimal.

### VIRGINIA DEPARTMENT OF TRANSPORTATION

Staff Contact: Brian Lokker (804-674-2384) brian.lokker@vdot.virginia.gov

### VDOT Land Use Regulations

Traffic Impact Analysis (24VAC30-155)	-
Access Management (24VAC30-73)	-
Subdivision Street Acceptance (24VAC30-91/92)	-
Land Use Permit (24VAC30-151)	-
Summary	VDOT has no comments on this request.

### **WATER AND WASTEWATER SYSTEMS**

Staff Contact: Jamie Bland (804-751-4439) blandj@chesterfield.gov

This request will not impact the water and wastewater system.

<b>Water and Wastewater Systems</b>			
	<b>Currently Serviced?</b>	<b>Size of Existing Line</b>	<b>Connection Required by County Code?</b>
<b>Water</b>	No	NA	No
<b>Wastewater</b>	No	NA	No

### **ENVIRONMENTAL**

Drainage, Erosion and Water Quality

Staff Contact: Doug Pritchard (804-748-1028) pritchardd@chesterfield.gov

Environmental Engineering has not comment on this request.

<b>CASE HISTORY</b>	
<b>Applicant Submittals</b>	
<b>10/1/2014</b>	Application submitted
<b>1/6/2015</b>	Revised proffers were submitted
<b>Community Meeting</b>	
<b>1/14/2015</b>	Community meeting has been tentatively scheduled



**PROFFERED CONDITIONS**

1. Non-Transferable Ownership: This Conditional Use approval shall be granted exclusively to Maria Louisa Herlong and Danny Neale Herlong, and shall not be transferable with the land. (P)
2. Use: This Conditional Use approval shall be for the operation of a business (tree service), incidental to a dwelling. (P)
3. Time Limitation: This Conditional Use approval shall be granted for a period not to exceed ten (10) years from the date of approval. (P)
4. Equipment Storage: As a part of this business the following equipment and material may be stored on the property. No other equipment for this use may be allowed:
  - Two (2) Service trucks
  - One (1) Trailer
  - One (1) Stump grinder
  - One (1) Log splitter.
  - Firewood (P)
5. Location of Use: The use shall be confined to the rear of the house. (P)
6. Buffer: A minimum twenty (20) foot buffer shall be maintained along the northern, southern property lines, to the rear of the residence, and along the western property line. These buffers shall comply with the requirements of the Ordinance for buffers that are less than fifty (50) feet. (P)
7. Employees and Clients: No more than four (4) employees shall be permitted to work on the premises other than family member employees that live on the premises. No clients shall be permitted on the property. (P)
8. Signage: There shall be no signs identifying this use. (P)
9. Hours of Operation: Movement of equipment shall be limited to Monday through Saturday from 7:00 a.m. to 5:00 p.m. (P)